

Sixth Appellate District

San Jose, California

MONDAY, JULY 20, 1998

The Court met in the San Jose City Council Chambers at 801 N. First Street, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H017377 PEOPLE v. GARY E., A MINOR

Cause called and argued by Lori Quick appearing for appellant and by Eric Share, Deputy Attorney General, appearing for appellant. Cause ordered submitted.

H017650 PEOPLE v. SANCHEZ

Cause called and argued by Peggy S. Ruffra, Deputy Attorney General, appearing for appellant and by Michael Lawrence, Deputy Public Defender, appearing for respondent. Cause ordered submitted.

H016874 IN RE ESTATE OF COCKE, Deceased

Cause called and argued by Craig J. Bassett appearing for appellant. No appearance is made on behalf of respondent. Cause ordered submitted.

H016800 TAPSON, et al. v. MAY, et al.

Cause called and argued by Frederick H. Ebey appearing for appellant and by Jeffrey S. Kaplan appearing for respondent. Cause ordered submitted.

H016550 DURSI, et al. v. SUTHERLAND

Cause called and argued by Rodney Levin appearing for appellant and by Bryce C. Anderson appearing for respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in the San Jose City Council Chambers at 801 N. First Street, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and David Clark, Deputy Clerk.

H016524 PEOPLE v. TREACY

Cause called and argued by David Martin appearing for appellant and by Mia Anna Mazza, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017220 IN RE KENNETH P., A Minor

Cause called and argued by Christopher Hite appearing for appellant and by Mia Anna Mazza, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

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Monday, July 20, 1998 (continued)

H017111 GOETZ v. GOETZ

Cause called and argued by Gary Gamel appearing for appellant and by Annalisa Wood appearing for respondent. Cause ordered submitted.

H016722 FINN v. CARLSON, et al.

Cause called and argued by Laura Stevens appearing for appellant and by Susan Hoerger appearing for respondents. Cause ordered submitted. Court adjourns.

TUESDAY, JULY 21, 1998

The Court met in its courtroom at the San Jose City Council Chambers, 801 N. First Street, San Jose, California. Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and W. Magsaysay, Deputy Clerk.

H016324 PEOPLE v. HOUREL

Cause called and argued by Phillip Brooks appearing for appellant and by Eric Share, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017263 SANTA CLARA COUNTY DEPARTMENT OF FAMILY & CHILDREN'S SERVICES v. JOHN P.

Cause called and argued by Valerie Sopher appearing for appellant, by Carol M. Robinson, Deputy County Counsel, appearing for respondent and by Robert M. Masterson, Deputy District Attorney, appearing for respondent minor. Cause ordered submitted.

H016744 CITY OF SAN JOSE v. BELSHE, as Director, etc.

Cause called and argued by Carol Slatin Doyle, Deputy Attorney General, appearing for appellant and by George Rios, Deputy City Attorney, appearing for respondent. Cause ordered submitted.

H016981 MARRIAGE OF ILSTAD

Cause called and argued by appellant appearing in pro per and by Richard P. Roggia appearing for respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in the San Jose City Council Chambers at 801 N. First Street, San Jose, California. Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and David T. Clark, Deputy Clerk.

Sixth Appellate District

San Jose, California

Tuesday, July 21, 1998 (continued)

H017521 PEOPLE v. SNYDER

Cause called and argued by Lori Quick appearing for appellant and by Francis Dogan, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016964 PEOPLE V. SALAZAR

Cause called and argued by David Harrison appearing for appellant and by Francis Dogan, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016799 W.H. INVESTMENT CO. v. FIRST AMERICAN TITLE

Cause called and argued by David Durant appearing for appellants and by Michael Tunink appearing for respondent. Cause ordered submitted.

H016954 AMERICAN NATIONAL FIRE INSURANCE CO. v. ALLSTATE INSURANCE CO.

Cause called and argued by William Dresser appearing for appellant and by George Weickhardt appearing for respondent. Cause ordered submitted. Court adjourns.

H016759 PEOPLE v. JAVIER N., A Minor

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed July 21, 1998

H016637 PEOPLE v. SPEARS

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed July 21, 1998

H017156 PEOPLE v. GRECU

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed July 21, 1998

WEDNESDAY, JULY 22, 1998

H017377 PEOPLE v. GARY E.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)
Filed July 22, 1998

H016517 PEOPLE v. DICKERSON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)
Filed July 22, 1998

Sixth Appellate District

San Jose, California

Wednesday, July 22, 1998 (continued)

H016550 DURSI, et al. v. SUTHERLAND, et al.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)
Filed July 22, 1998

H016722 ROBERT FINN v. GUNNAR CARLSON, et al.

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed July 22, 1998

H016392 PEOPLE v. JACKSON

The conviction for kidnapping is reversed. The judgment is modified to provide consecutive life sentences on counts 3, 7 and 10. In all other respects, the judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed July 22, 1998

THURSDAY, JULY 23, 1998

The Court met at the San Jose City Council Chambers, 801 N. First Street, San Jose, California. Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and Lori Hazelip, Deputy Clerk.

H016505 PEOPLE v. MENDOZA

Cause called and argued by Lori Klein appearing for appellant and by Moona Nandi, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017047 CARLTON v. D.G.W. AUCTIONEERS

Cause called and argued by Dennis Carlton, appellant appearing in pro per, and by James T. Gotch appearing for respondent. Cause ordered submitted. Court recess until 1:30 p.m.

The Court reconvened at 1:30 p.m at the San Jose City Council Chambers, 801 N. First St., San Jose, California. Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and David Clark, Deputy Clerk.

H016940 HALL v. SANTA CRUZ PORT DISTRICT

Cause called and argued by Brian O'Grady appearing for appellant and by Robert Garvie appearing for respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, July 23, 1998 (continued)

H017169 NELSON et al. v. FORD MOTOR COMPANY

Cause called and argued by Gary Haraldsen appearing for appellants and by Karen Lintott appearing for respondents and by David Killoran appearing for respondents. Cause ordered submitted. Premo, J. leaves the bench and Mihara, J. takes the bench.

H014776 PEOPLE v. MARES

Cause called and argued by Ann Hopkins appearing for appellant and by David Salmon, Deputy Attorney General, appearing for respondent. Cause ordered submitted. Court is adjourned.

FRIDAY, JULY 24, 1998

H016351 MAPSTEAD v. MONTEREY COUNTY, et al.; CALIFORNIA STATE UNIVERSITY

The award of attorneys' fees is reversed and the matter is remanded for the following limited purposes: (1) to determine whether the touchstone amount should include attorneys' fees for amendment of the pleadings and to recalculate the fee award accordingly and (2) to consider, upon proper motion, appellants' request for attorneys' fees on appeal pursuant to section 1021.5. Each party shall bear its own costs on appeal. (not published) (Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed July 24, 1998

The Court met at the San Jose City Council Chambers, 801 N. First St., San Jose, California. Present: Cottle, P.J.; Premo, J., Bamattre-Manoukian, J.; and Judy Son, Deputy Clerk.

H016861 ENSONIQ CORPORATION v. SUPERIOR COURT OF SANTA CLARA COUNTY; JON DATTORO

Cause called and argued by James McManis appearing for petitioner and by Eric Safire appearing for real party in Interest. Cause ordered submitted. Premo, J. leaves the bench and Mihara, J. takes the bench for the remaining three matters.

H016569 SOUTH COUNTY COALITION, etc. v. CITY OF WATSONVILLE, et al.

Cause called and argued by Stephen Kostka appearing for appellants and by William Parkin appearing for respondents. Cause ordered submitted.

H016878 SAN JOSE WATER COMPANY v. CITY OF SAN JOSE

Cause called and argued by Joseph D. Diciuccio, Deputy City Attorney, appearing for appellant and by Kelly Wooster appearing for respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Friday, July 24, 1998 (continued)

H018240 HEBARD, et al. v. ANNE BYBEE, AS CITY CLERK, etc., ; WTA Technology Park

Cause called and argued by Charles A. Oberhelman, III appearing for appellants and by William R. Seligmann appearing for respondents and by Brooke Malody Kernick appearing for real party in interest. Cause ordered submitted.

Court is adjourned until 1:30 p.m.

The Court reconvened at 1:30 p.m in the San Jose City Council Chambers at 801 N. First St., San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and David Clark, Deputy Clerk.

H015615 PEOPLE v. DAY

Cause called and argued by Vicki Firstman appearing for appellant and by Violet Lee, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017454 PEOPLE v. GADSDEN

Cause called and argued by Malcom Sprott, Deputy District Attorney, appearing for appellant and by Stefan Kennedy, Deputy Public Defender, appearing for respondent. Cause ordered submitted.

H017306 COAST COMMERCIAL BANK v. MARANI

Cause called and argued by Roy Gunter appearing for appellant and by Irwin Joseph appearing for respondent. Cause ordered submitted. Court adjourned.